

HOUSE RESEARCH

Bill Summary

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Overview

This bill extends the time period for eligibility under the National Guard's tuition reimbursement program for certain Guard members who have been ordered into active military service since the 9/11 terrorist attacks.

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1 Tuition and textbook grant program: eligibility time period extended.

Paragraph (c). Extends the time period for eligibility under the program for any member of the Minnesota National Guard who has been ordered into federal active service or federally funded state active service since 9/11/2001.

Technically, an initial term of enlistment in the National Guard is for an 8-year period. Traditionally, the typical Guard member serves the initial six months or so in basic training and advanced individual training at a regular military post (i.e., *basic and AIT*), followed by the *selective reserve period* (i.e., *active reserve status* or *drill status*) until the end of the person's sixth year. Then, for the final two years, the Guard member generally is classified as a member of the *Individual Ready Reserve* (IRR), during which time the person typically discontinues drilling or other contact with the Guard, but nevertheless can still be ordered back into military service.

Under current law, a National Guard member is eligible for tuition reimbursement for higher educational pursuits only while the person is "*actively serving*" in the Guard - i.e., while the person is in *selective reserve status*. The bill would extend this period of

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eligibility for a Guard member who has been ordered into *active service* at any time during the person's term of enlistment or reenlistment (other than for training purposes alone, or full-time employment with the Guard-AGR).

- Program eligibility would be extended for a period of two years, plus the amount of time that the person has served in *federal active service* (i.e., under Title 10 of federal law; e.g., for the war on terrorism, whether stateside or abroad), or *federally-funded state active service* (i.e., under Title 32 of federal law; e.g., for airport security duty within Minnesota).
- For any person who had provided honorable active service and has been separated or discharged from the National Guard due to a service-connected injury, disease or disability, the eligibility period is extended for eight years beyond the date of separation.

Under the bill, the eligibility extension would apply even if the person has shifted into IRR status or has been discharged entirely from the National Guard, provided that the person had been ordered into active service at some point in time while serving as a Guard member.

The bill does *not* change the statutory limit of 144 semester credit hours of reimbursement under the program (i.e., the equivalent of 9 full semesters). Thus, any credit hours of reimbursement a person received before being ordered into active service counts against the limit, and any person who had exhausted his or her benefits before being ordered to active service would have none remaining afterwards.

Paragraph (d). The bill authorizes a member or former member of the National Guard who has a USVA certified service-connected disability of 30 percent or more, and who has any eligibility remaining for tuition reimbursement benefits, to transfer those benefits to the person's spouse. Any use of benefits by the spouse is subject to the same limits on eligibility (time and credit hours) as applies to the member or former member. Such transfer may be revoked by the member or former member at any time, but such revocation does *not* restore the credits of eligibility already used by the member and spouse together.

Paragraph (h). The bill does *not* change the statutory limit of 144 semester credit hours of reimbursement under the program (i.e., the equivalent of nine full semesters). Thus, any credit hours of reimbursement a person received before being ordered into active service counts against the limit, and any person who had exhausted his or her benefits before being ordered to active service would have none remaining afterwards.

Paragraph (j). Recouping benefits for termination of service. Under current law, the Adjutant General may recoup a prorated amount of benefits from a National Guard member who fails to complete a term of enlistment.

The bill clarifies that the Adjutant's authority to recoup benefits does not apply to a person whose separation from the National Guard is due to a medical condition or financial

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hardship.

Paragraph (k). Defines the types of "active service" by reference to statute, while nevertheless excluding active service exclusively for training purposes, as well as active service performed as a regular full-time job with the National Guard.

Effective date. The bill is effective the day following final enactment.

Note: Participation in higher education coursework by soldiers serving in active service (through MnSCU from the Balkans, or wherever) does not diminish their eligibility for the time extension to use their tuition reimbursement credits, as provided by this bill. However, it does count against the total credit limit under paragraph (h), if they request reimbursement for that coursework.

Types of "Active Service" for Military Personnel

Defined similarly under both federal law and Minnesota Statutes §190.05:

"Active Service" includes the following three types of service:

- § "*federal active service*" **service under U.S.C. Title 10**, excluding the other two types of active service; this is what one usually thinks of as regular active military duty (e.g., service in the U.S., Iraq, the Balkans. or elsewhere in the world).
- § "*federally-funded state active service*" - **service under U.S.C. Title 32** typically for training purposes (e.g., reservist weekend drills and annual training (summer camp); but also airport security duty within Minnesota following 9/11, etc.)
- § "*state active service*" **activation by the Governor** (e.g., for flood and tornado emergencies, lost-person searches, riot control, etc.- entirely at state cost)

Types of Reserve Military Service

As with any person enlisting in the active military service, a person enlisting in the National Guard or other Reserves signs *an eight-year contract*.

- § "*selective reserve status*" during the first six-years of a person's enlistment, the Guard or Reserve member serves mostly in this status (except while in "active service" for basic training, summer training, and special training; or otherwise for duty in Iraq, the Balkans, and so on) Soldiers sometimes refer to this status as "drill status" or "active reserve status."
- § "*individual ready reserve status*" (**IRR**) during the final two-years of the person's eight-year contract, the Guard or Reserve member stops training altogether, and returns to civilian life entirely. However, the person is actually in the IRR and, thus, may be placed on "stop loss" or ordered back into active service; if that happens, the person may be held well beyond the eight-year agreement of the enlistment contract.
- § "*active guard and reserve status*" (**AGR**) (very unusual) full-time employment in the National Guard or Reserves, as a career job (but technically while still in the Guard or Reserves - e.g. an accountant)